

Office of State Public Defender

Agency Overview

June 2011

For the Law and Justice Interim Committee

Department Head: Public Defender Commission, governor-appointed, Fritz Gillespie, Chair
Randi Hood, Chief Public Defender, commission-appointed
Joslyn Hunt, Chief Appellate Defender, commission-appointed (new law)

Description and Responsibilities:

The purpose of the Montana Public Defender Act, enacted in 2005, as stated in sections 47-31-102 and 47-1-201, MCA, is:

- establish a statewide system;
- provide effective assistance of counsel to indigent persons entitled by law to receive counsel at public expense;
- ensure public defender services are delivered by qualified and competent counsel in a fair and consistent manner statewide;
- utilize state employees, contracted services, or other methods to provide services in a manner that is responsive to and respective of regional and community needs and interests; and
- manage funding in a fiscally responsible manner.
- The commission is to:
 - provide a strategic plan for delivery of services in not more than 11 regions and supervise and direct the system;
 - establish statewide standards for qualifications, training, and caseload; and
 - appoint the chief public defender.
- The chief public defender is to:
 - hire or contract for and supervise personnel necessary to perform the function of the office.
- The office must report to the governor, supreme court, and legislature (including the LJIC and LFC specifically).

Programs, FTE, and Funding for FY 2012-2013:

Programs	FY 2013 FTE	General Fund	State Other	Proprietary	Federal	Total ALL	Percent of total OPD Funds
Office of Public Defender	199.50	\$ 43,828,620	\$ 286,144	\$ -	\$ -	\$ 44,114,764	95.8%
Office of Appellate Defender	10.00	\$ 1,928,781	\$ -	\$ -	\$ -	\$ 1,928,781	4.2%
TOTAL	209.50	\$ 45,757,401	\$ 286,144	\$ -	\$ -	\$ 46,043,545	100.0%
Agency's GF as a percentage of state's total GF budget	1.23%						

Source: Legislative Fiscal Division

Compiled by Sheri Scurr, Research Analyst
sscurr@mt.net

Montana Legislative Services Division
<http://leg.mt.gov> (406) 444-3064

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Regional FTE, Fiscal Info., and Caseload Data:

See the attached spreadsheets from the Public Defender Commission's Fiscal Year 2010 Report to the Governor, Supreme Court, and Legislature.

Administratively Attached Entities:

- None. The Office of State Public Defender is administratively attached to the Department of Administration.

Legislative Audits:

- Financial compliance, Sept. 2010
- The Office of State Public Defender, October 2006
- Public Defender Services in Six Counties, March 2006

Agency Bills Passed During 2011 Session:

- Allow recovery of public defender costs in certain cases, HB 96 (Menahan)
- Amend supervision of chief appellate defender, HB 97 (Menahan)

Agency Bills that Failed During 2011 Session:

- None.

Non-Agency Bills of Interest During 2011 Session:

- Generally revising the Montana Public Defender Act, SB 187, (Shockley) - PASSED
- Move legislative oversight of public defender (OPD) to LJIC, SB 32 (Wanzenried) - PASSED
- In broader bill, require OPD to provide unduplicated caseload data, HB 613 (Roberts) - PASSED
- Supplemental appropriation of \$1.45 million, HB 3 (Mehlhoff)
- Revising appointment of counsel in child abuse and neglect cases, SB 153 (Jent) - PASSED
- Finance committee request for interim monitoring of the OPD, SJR 26, (Lewis) - PASSED
- Providing for longer retention of DNA evidence in certain cases, SB 58 (Moss for LJIC) - FAILED
- Allow unhindered public defender access to detainees, SB 147 (Facey) - FAILED

Law and Justice Interim Committee Areas of Interest:

- Recovery of costs
- American University report recommendations (Oct. 2009)
- Caseload data

Hot Topics of 2011:

- Indigence determination, ability to pay, and recovery of OPD costs from clients
- Death penalty

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Office of the State Public Defender

STAFFING REPORT
as of 6/30/10

Region	Location	Regional Deputy Public Defenders	Current Number of Staff (FTE)		Number of Vacant Positions		FY 2010 Budget	Number of Contractors by Region**
			Attorney	Non- Attorney	Attorney	Non- Attorney		
	Central Office	-	4.00	12.75			16.75	
1	Kalispell	1.00	15.00	9.00			25.00	23
2	Missoula	1.00	21.50	13.00			35.50	39
3	Great Falls	1.00	10.00	9.00			20.00	24
4	Helena	1.00	8.50	4.00			13.50	8
5	Butte	1.00	8.00	6.00			15.00	5
6	Havre	1.00	1.00	2.00			4.00	9
7	Lewistown	1.00	-	1.50			2.50	16
8	Bozeman	1.00	10.00	7.50			18.50	22
9	Billings	1.00	15.75	12.00			28.75	36
10	Glendive	1.00	1.00	1.00			3.00	9
11	Miles City	1.00	1.00	2.00			4.00	19
	Major Crimes	-	4.00	1.00			5.00	
Subtotal		11.00	99.75	80.75	0.00	0.00	191.50	
	Appellate Defender	-	6.00	2.00	1.00	-	9.00	
Total FTE		11.00	105.75	82.75	1.00	0.00	200.50	2

Total Current FTE	199.50	Total Vacant FTE	1.00	200.50
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** 173 Total unique contractors--some are available to work in multiple regions

Montana Public Defender Commission
Report to the Governor, Legislature and Supreme Court
New Cases Assigned
[47-1-105 (9) (f) (g) (k)]
FY 2010

Court	Type	DISTRICT COURT				LIMITED COURTS				Grand Total	PERCENT
		Criminal	Guardianship	Involuntary Commitment	Juvenile	Neglect	All Limited Jurisdiction				
RGN 1-KALISPELL	ALL	977	31	101	86	339	2,751	4,285	15.49%		
RGN 2-MISSOULA	ALL	836	69	247	206	264	3,204	4,826	17.45%		
RGN 3-GR. FALLS	ALL	853	15	61	169	442	1,262	2,802	10.13%		
RGN 4-HELENA	ALL	539	17	49	69	152	2,031	2,857	10.33%		
RGN 5-BUTTE	ALL	375	4	92	53	118	988	1,630	5.89%		
RGN 6-HAVRE	ALL	299	8	27	65	106	480	985	3.56%		
RGN 7-LEWISTOWN	ALL	116	8	31	16	46	200	417	1.51%		
RGN 8-BOZEMAN	ALL	424	5	74	66	131	1,550	2,250	8.13%		
RGN 9-BILLINGS	ALL	989	28	103	116	413	4,738	6,387	23.09%		
RGN 10-GLENDIVE	ALL	162	13	37	26	115	294	647	2.34%		
RGN 11-MILES CITY	ALL	138	14	22	45	132	223	574	2.08%		
ALL	ALL	5,708	212	844	917	2,258	17,721	27,660	100.00%		
PERCENTAGES											
		20.6%	0.8%	3.1%	3.3%	8.2%	64.1%	100.00%			

TOTAL CASE COUNTS
FY 2010

Montana Public Defender Commission
Report to the Governor, Legislature and Supreme Court
Expenditure Data-Program 1
[47-1-105 (9) (f) (g) (k)]
FY 2010

Court	Type	DISTRICT COURT				LIMITED COURTS			GRAND TOTAL	PERCENT
		Criminal	Guardianship	Involuntary Commitment	Juvenile	Neglect	Limited Jurisdiction ALL			
RGN 1-KALISPELL	ALL	\$ 1,401,709	\$ 22,897	\$ 26,117	\$ 94,243	\$ 413,266	\$ 970,053	\$ 2,928,284	15.08%	
RGN 2-MISSOULA	ALL	1,292,243	43,377	99,315	148,128	660,625	1,280,273	3,523,962	18.15%	
RGN 3-GR. FALLS	ALL	1,286,340	17,946	44,024	153,474	351,380	514,629	2,367,794	12.19%	
RGN 4-HELENA	ALL	648,300	10,068	11,427	36,921	140,703	429,423	1,276,842	6.58%	
RGN 5-BUTTE	ALL	652,450	4,520	45,320	64,670	191,403	466,136	1,424,498	7.34%	
RGN 6-HAVRE	ALL	426,311	5,110	6,520	46,260	79,639	172,073	735,913	3.79%	
RGN 7-LEWISTOWN	ALL	180,888	4,615	25,304	18,244	60,816	94,989	384,855	1.98%	
RGN 8-BOZEMAN	ALL	748,363	12,317	27,057	89,763	241,337	755,753	1,874,590	9.65%	
RGN 9-BILLINGS	ALL	1,777,022	16,914	79,885	85,933	487,606	1,270,384	3,717,744	19.15%	
RGN 10-GLENDIVE	ALL	289,100	1,186	11,262	20,003	79,321	160,716	561,588	2.89%	
RGN 11-MILES CITY	ALL	249,287	5,079	11,203	44,113	179,537	131,086	620,305	3.19%	
ALL	ALL	\$ 8,952,012	\$ 144,029	\$ 387,434	\$ 801,751	\$ 2,885,633	\$ 6,245,515	\$ 19,416,374	100.00%	

CASE EXPENDITURES
FY 2010

Source: Agency audited financial statement and case management system.